

IN UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
COMPLAINT

Damien Shontell Hewlett

v.

Case No.

Charles Dombeck, Robert Weinman,
Ann York, Ashley Haseleu, and
Jenna Hiland

(A) PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at Waupun Correctional Institution, 200 S. Madison St, P.O. Box 351, Waupun, WI, 53963
2. Defendants Charles Dombeck, Robert Weinman, Ann York, Ashley Haseleu, and Jenna Hiland, is citizens of Wisconsin and i'm not aware as to what each separate Defendants address is, yet I know that these Defendants were working for the Wisconsin Department of Corrections at Waupun Correctional Institution at the address of 200 S. Madison St., P.O. Box 351, Waupun, WI, 53963.

(B) STATEMENT OF CLAIM

I'll now elaborate to this Court, verbatim as to the informational chain of events that occurred, of which have been the sequence that's lead to the deliberate indifference to my serious medical conditions of pain and numbness in both my left and right

hand's and finger's. And there is ~~the~~ already the preexisting condition of carpal tunnel in my left hand that I believe may be exacerbated for the pain is far worse than it originally was. This claim falls under the Eighth Amendment Constitutional Right that is guaranteed to me, solely due to the evident disregard to my medical needs. It will be blatantly evident that I was left with "great" pain and loss of feeling in my hands and fingers, that has now progressed for the worse! And as of today when I file this 1983 Complaint, the Defendants still have not addressed these medical concerns. I would ask that the Federal Courts over see the proceedings of the State Of Wisconsin Notice Of Injury and Claim Pursuant to Wis. Stat. Section 893.82 that I had filed to the Wisconsin Attorney General Joshua Kaul on date of 11/27/2023, given these circumstances. Furthermore, I'll let the fact be known that I did exhaust all available administrative remedies before the commencement of this 1983 Claim. The circumstances that arose of which are the subject matter of this lawsuit are as follows. On date 9/30/2021 I was diagnosed with "mild left carpal tunnel syndrome" of the left hand by MD-Xian F. Gu at the Fond Du Lac Regional Clinic. I had began having numbness in my left and right thumb's, as well as numbness in my

right ring finger and pinky finger that had arose on 9/16/2022, after CO's at the prison had applied handcuffs too tight for too long. And so on date 9/20/22 I submitted a Doc-3035 Health Service Request saying "On 9/16/22 I was assaulted by CO Hill. Then during in OBS extraction I was slammed on "F" Range on my left knee. I now hurts. Also I was left in a restraint chair secured for roughly 2 hours with restraints too tight and staff did nothing. Now I am having complete numbness on my thumbs, right ring finger and pinky." On 9/21/22 an RN - Ann York had scheduled me to see a RN/LPN. On 9/23/22 I was assessed by a Andrea Bleecker for these issues, and was referred to see my provider. On 9/27/22 I had seen Provider APNP-Charles Dombeck, and was prescribed capsacion cream and Diclofenac Topical Gel for only 28-Days. Neither the capsacion cream nor Diclofenac Topical Gel were working, and my issues were progressing for the worse. And so on 10/16/22 I submitted a Doc-3035 Health Service Request and said "Diclofenac Topical Gel "Not Working" And fingers still numb since 9-16-22 when CO-Langridge applied cuffs too tight for hours. Need to see an offsite Specialist for nerve damage test." And on 10/17/22 an APNP-Jodi Fields had referred the HSR to ACP, and had responded "If you would like to see nursing, Submit another HSR." Given that response, I submitted another Doc-3035 Health Service Request saying

"Was already seen but it's getting worse, Now it's not just numbness in my fingers and thumbs, but it's pain and my hands are locking up and it's hard to write, hold spork, and workout." And it's all stemming from 9-16-22 when DOC-Employees left cuffs on for too long and too tight. Every time cuffs are put on me they seem to further aggravate the issue." On date 10/19/22 RN-Ann York marked box on HSR that said - ~~SA~~ Scheduled to be seen in HSU-ACP. And I had not been seen, and so on 10/28/22 I wrote a Doc-643 Interview Request slip to the Health Services Unit Manager-Robert Weinman that said "I wrote HSU back on 9-20-22 about my left knee hurting bad, and complete numbness in both thumbs, ~~ring~~ right ring finger and pinky. I saw Dombeck some time after this, I was put on Diclofenac Topical Gel. The medication wasn't working and so on 10/16/22 I wrote an HSR saying "Diclofenac Sodium Topical Gel Not Working and fingers still numb since 9-16-22 when CO-Langridge applied cuffs too tight for hours. Need to see offsite nerve specialist for nerve Damage test." And HSR was referred to my "ACP," whom I thought was Dombeck. But for some odd reason APNP-Jodi Fields replied saying, "If you would like to see nursing, submit another HSR." So given that response it's clear my medical needs weren't met. And so I put another H.S.R on 10-18-22 to address the issue and explain it's getting worse, and was scheduled to be

Seen by ACP. Still haven't been seen. I'm requesting adequate medical care by being treated by an offgrounds specialist through an MRI on both hands, and a nerve damage test. Because if my fingers are numb than it's a medical issue that can't be seen with just the eye. And so these tests are medically necessary. I do thank you for your time Mr. Weinman.") And on the date 10/31/22, for some odd reason the H.S.U-Manager Robert Weinman did "NOT" respond to this HSR, but the RN-Ann York did and she says "You are on the waiting list to see NP Dombeck for follow up for this concern. It is NP Dombeck who would determine the need for further testing or consultation to an outside Provider." And since my medical needs were not being met I filed the Inmate Complaint Number - WCI-2022-16487 to address not being seen for these medical issues with my hands. I still had not been seen after I filed the inmate complaint, and so on 11/23/22 I submitted a Doc-3035 Health Service Request saying "I'm not comprehending why it's going on 38 days as of today, that I have been waiting to be seen by an ACP at the Health Services Unit for the issue of numbness in my fingers. Although the issue had originated on 9/16/22 during a cell extraction where handcuffs were applied too tight for too long. And so my fingers have been numb for 68 days now, and that's not "normal" at all. I "need" to be seen on an "emergency pass"!") And on 11/25/22 a Jenna Hiland

had responded by lying in my medical record by saying ("You did not come to your scheduled appt. Will contact ~~Scheduled~~ Scheduler to get appt. rescheduled.") And the way I know that Jenna Hiland has lied is simply because i've recieved a copy of my entire medical record twice now in the past year as part of Discovery Requests for Seperate 1983 Claims that are unrelated to this Suit i'm filing today, and in my medical records there was "NEVER" any appointment scheduled at the timeframe of which Jenna Hiland has referred to. And then during the Inmate Complaint Process Investigation for the ICE# WCI-2022-16487, Assistant Health Services Manager Ashley Haselev had also lied by stating that I was "supposedly" a no show to a appointment, which i'll yet again have to reiterate and stipulate that there is no appointment in my medical records at this timeframe. And Ashley Haselev tells the I.C.E Department that my appointment had been rescheduled. And then when the time arrives, and I walk over to the Health Services Unit thinking i'm going to get this issue with numbness and pain in my hands and fingers addressed, and when I walked in the building I was turned around and told that my pass was "canceled" by the "Health Service Unit". And so I had Submitted yet another Doc-3035 Health Service Request on 12/20/22 Saying ("I was scheduled to

be seen by my provider last week, but for some reason the appointment was canceled by H.S.U. I'm still having numbness in my fingers, spondylosis causing a lot of pain, and want tele-med-visit with Dr. Choi.") And on 12/22/22 H.S.U. responds "Appt CX by Provider as patient's complaints already addressed by provider on 9/27/22." Which was a fabrication and lie again in my medical record by Health Services Unit Staff, for the fact is that I would've never filed the Inmate Complaint Number WCI-2022-16487, and had submitted a plethora of DOC-3035 Health Service Requests between the dates of 9/27/22 and 12/22/22 when the Health Services unit gave that response that was just forementioned. And so given that ridiculous response I had to submit yet another DOC-3035 Health Service Request on 12/23/22 and it said "Can I please get placed on scheduling list to be seen by APNP-Dombeck immediately? Had an appointment last week that was canceled at the request of H.S.U. Staff. Please make this a top priority and give me an "emergency room" to address med-problems of numbness in my fingers "and" my thumb's since September. And to get injections from Dr. Choi for spondylosis and facet joint disease." On 12/27/22 Ann York responds "Provider rescheduled you". And than 2-months later, once APNP-Charles Dombeck did see me at an appointment on date 2/7/23, Dombeck had simply "refused" to

address the issue of the pain, and numbness, and cramping of both my left and right hands, fingers, and thumbs, and Dombeck would only address the issue in my back of spondylosis, and Dombeck had put it in my medical record verbatim about the issue he didn't address with my hands. ("Addressed with patient at my previous visit. Residual symptoms may remain, but we can explore further diagnostics as needed, I think it prudent to address his main complaint first, as this complaint may still improve over time.") And that's simply unacceptable for the issue with my hands had started nearly 6-months prior with only numbness and then had progressed for the worse to numbness, pain, and cramping which has made a number of my usual daily tasks a difficulty, and so for Dombeck to not address my hands' issues was a reckless disregard of those medical issues. And the thing is that APNP-Dombeck was supposed to address the issue with my hands at that appointment according to all the DOC-3035 HSR's, and the ICE# WCI-2022-16487 of which I've elaborated upon in this complaint, yet Charles Dombeck had made a conscious choice to "not" address the issues with my hands at all. He did "not" assess my hands on 2-7-23 nor administer any treatments for the pain, numbness, and cramping of my hands. Months had passed,

and I still had not been assessed nor got any treatment for my hands by Charles Dombeck, and so I had submitted yet another DOC-3035 Health Service Request that was 3-pages and said ("The last time I had previously wrote an HSR to get "two" issues of numbness in both hands/fingers, the med's for that not working and needing a nerve damage test conducted for numbness in hands. And second issue was the steroid injections in my spinal column. The issue was addressed about the steroid injections at my last appointment with ACP-Charles Dombeck, but the matter of nerve damage test was NOT addressed, and so today i'm just inquiring upon when i'll be able to get in to be assessed by ACP-Dombeck to come up with a viable plan of action to address this numbness, pain in my hands. It's to a point it's hard to even write this HSR to HSW today.") And on 5/9/23 an unknown APNP does respond by saying ("This can be discussed with Dombeck at upcoming appointment. The appt has been scheduled to discuss plan.") Roughly 2-months goes by, and I still had not been seen, and had found out that APNP-Charles Dombeck had stopped seeing patients at Waupun Correctional Institution, and on date 6/27/23 I had submitted yet another Doc-3035 Health Service Request, that was 6-pages long, and says ("Please get me scheduled immediately to see my ACP for when I had

Dombeck he did not do anything for my medical needs. My back is still killing me from the spondylosis and facet joint disease, and was never scheduled to get an updated MRI of spine and see a orthopedic or a rheumatologist specialist as I requested months ago. The med's and creams are still ineffective as they were as I had elaborated over a year ago in December of 2021. And ever since an incident on 9/16/22 my left knee has been hurting really badly and keeps popping, and my left thumb and pinky do still be numb with shooting pains, and my right thumb, pinky, ring finger, middle finger, and pointer finger are also numb, tingling, and got shooting pains, and my right hand cramps up on me alot, and at times unclamps when it's not supposed to. I'll be holding something and my hand will unflex on it's own and i'll drop what i'm holding. Dombeck did not address my medical issues and had administered ~~the~~ treatments that are evidenced in my medical chart have been ineffective for a long time. I pray that my new provider reads this and sees me on an "emergency pass" because my spinal pain is at a 8.5 out of 10 scale, my left knee is at a 7.5 out of 10, and my hands gets up there at a 8 out a 10. And these pain ratios are regular, and I still been having sleep deprivation from the pain i'm in.) And on 6/28/23 RN- Ann York responds stating "Pain Service offsite scheduled soon.

Referral to Provider was made. Referral to pain medicine for another injection was made." And my issues of pain, numbness and cramping in my hands was still "not" addressed, for those injections at Pain Medicine are for my spinal problems, and have absolutely "NOTHING" to do with any form of treatment for neither of my hands. And I still had "NOT" been seen about my hands, so on 7/7/23 I had submitted yet another Doc-3035 Health Service Request that said ("NEED THIS TO GO TO THE HSI-Manager! The numbness, pain, cramping, locking up and unlocking of my fingers and hands has only gotten worse since 10-18-22 when I was so called to be seen by an ACP, than on 10-28-22 I submitted a 4 page Doc-643 to explain not being seen and requested an MRI and nerve damage test on both my hands, and was again told I was on the waiting list to see my provider, and still till this very day this issue has NOT been addressed by any ACP.") And on 7/10/23, an unknown squiggly signature, of which looks like HSI-Manager Robert Weinman's signature, states "Seen in Feb, offsite ordered, pain and expectations addressed, Injection 6.28.23." And that response was yet another fabrication by the Health Service Unit's Manager Robert Weinman this time, for medical record notes from that appointment back on date 2/7/23 do clearly and

blatantly illustrate the fact that APNP-Charles ~~Dombek~~ Dombek had actually "refused" to address, assess, and or give any form of treatment for the pain, numbness, and other issues with my hands, and again I must reiterate that those injections are for spondylosis in my spine, and have got "NOTHING" to do at all with the issues I'm suffering from with my hands. Therefore the medical issues with both my hands was not addressed and so I filed a "second" Inmate Complaint Number WCI-2023-10299 about my medical problems of the pain, numbness, cramping, locking and unlocking of my hands "never" being addressed, and this was after the first Inmate Complaint Number WCI-2022-16487 I filed about not being seen over nine months prior. And so even after filing two separate Inmate complaints I still have not had this medical problem with my ~~bad~~ hands addressed til this very day. And so Charles Dombek has left me in pain by canceling appointments, not addressing my medical needs with my hands at all, and has allowed for these med-problems to now worsen, and ~~the~~ Health Services Unit Manager has taken part by condoning in this for he was aware and lied in record recklessly, And the Assistant Health Services Manager Ashley Haseleu condoned

Dombek's folly as well for she had lied during the Inmate Complaint Investigation about an appointment that did not exist at all to get Inmate Complaint Department to dismiss my complaint when Haseleu knew what was going on for she has access to all those records for she's the Assistant Health Service Manager, And both Nurses Ann York and Jenna Hiland are just as responsible for Ann York read and responded to a plethora of Doc-3035 HSR's in past ten months about this issue and she had choose to turn a blind eye, and there are federal laws that say due to that Ann York's at fault also, and Jenna Hiland had did just like Ashley Haseleu by lying about a so called appointment that's not in my medical record and so Jenna Hiland has aided and abetted this. I'm suing these Defendants for Deliberate Indifference to my medical needs. I'm a Pro-se litigant and am no lawyer, and so this complaint should held to less stringent standards.

(C) JURISDICTION

- X. I'm suing for a violation of Federal Law under 28 U.S.C. § 1331.

(D) RELIEF WANTED

I'm seeking the following from "each" defendant "Seperately". From Charles Dombek, Robert Weinman, Ashley Haselev, Ann York, and Jenna Hiland the damages of \$500,000.00 in compensatory Damages, \$500,000.00 in Punitive Damages, and \$500,000.00 in Pain and Suffering. And i'll also request \$250,000.00 from "each" Defendant "Seperately" on the Seperate 893.82 State of Wisconsin Notice of Injury and Claim that I had filed in this matter.

(E) YES - I DO want a Jury to hear my case.

- I declare under penalty of perjury that the foregoing is true and correct, Pursuant 28 U.S.C. 1746.

Complaint signed this 27th day of November 2023.

Respectfully Submitted By,

Damien Shontell Hewlett

DOC# 559455

Waupun Correctional Institution

P.O. Box 351

Waupun, WI, 53963

- REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

X I do NOT Request this, and will pay the full filing fee in the future.